

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 931

Introduced by Langemeier, 23.

Read first time January 13, 2010

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to the Real Property Appraiser Act; to amend
2 sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2211.01,
3 76-2211.02, 76-2213, 76-2213.01, 76-2216, 76-2217.02,
4 76-2220, 76-2223, 76-2225, 76-2228, 76-2228.01, 76-2229,
5 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233,
6 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238,
7 76-2240, 76-2241, 76-2249, and 77-5004, Reissue Revised
8 Statutes of Nebraska; to change provisions relating to
9 the credentialing of appraisers, testing, and hearings;
10 to provide and change powers and duties for the Real
11 Property Appraiser Board; to provide provisions relating
12 to appraisal management companies; to define and redefine
13 terms; to harmonize provisions; to repeal the original
14 sections; to outright repeal sections 76-2205.01 and

LB 931

LB 931

1 76-2207, Reissue Revised Statutes of Nebraska; and to
2 declare an emergency.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-2201, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-2201 Sections 76-2201 to 76-2250 and sections 4, 6 to
4 8, 10 to 12, 15 to 17, and 36 to 44 of this act shall be known and
5 may be cited as the Real Property Appraiser Act.

6 Sec. 2. Section 76-2202, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 76-2202 ~~The Legislature finds that changes to the Real~~
9 ~~Property Appraiser Act made by Laws 2006, LB 778, are necessary~~
10 ~~to comply with the Appraiser Qualifications Board's Real Property~~
11 ~~Appraiser Qualification Criteria, effective January 1, 2008.~~
12 ~~Further, the increased educational standards required by Laws 2006,~~
13 ~~LB 778, are due to the changes in the required core curriculum~~
14 ~~necessitated by the 2008 criteria.~~

15 The Legislature finds that as a result of the enactment
16 of the Financial Institutions Reform, Recovery, and Enforcement
17 Act of 1989, as the act existed on January 1, 2010, Nebraska's
18 laws providing for regulation of real property appraisers require
19 restructuring in order to comply with Title XI of the act.
20 Compliance with the act is necessary to ensure an adequate number
21 of appraisers in Nebraska to conduct appraisals of real estate
22 involved in federally related transactions as defined in the
23 act. The restructuring of Nebraska's laws by the Real Property
24 Appraiser Act includes the creation of accountability measures
25 for appraisal management companies and upgrade guidelines for

1 credentialed appraisers.

2 Sec. 3. Section 76-2203, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-2203 For purposes of the Real Property Appraiser Act,
5 the definitions found in sections 76-2204 to 76-2219 and sections
6 4, 6 to 8, 10 to 12, and 15 to 17 of this act shall be used.

7 Sec. 4. Appraisal management services means (1) the
8 process of receiving and responding to a request for the
9 performance of appraisal services for a client by entering into
10 an agreement with one or more appraisers to perform the appraisal
11 services or (2) directly or indirectly performing the following
12 functions on behalf of a lender, financial institution, or other
13 similar person:

14 (a) Administration of an appraiser panel;

15 (b) Recruitment, qualification, and verification of
16 licensure or certification and negotiation of fees and service
17 level exceptions with a person or persons who are part of an
18 appraiser panel;

19 (c) Delivery of an order for appraisal services to an
20 appraiser that is part of an appraiser panel;

21 (d) Tracking and determination of the status of orders
22 for appraisal services;

23 (e) Execution of quality control of a completed appraisal
24 prior to the delivery of the appraisal to the requesting party; and

25 (f) Provision of a completed appraisal to the requesting

1 party.

2 Sec. 5. Section 76-2206, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-2206 Appraisal report means any communication,
5 written, ~~or~~ oral, or by electronic means, of an appraisal. The
6 testimony of a real property appraiser dealing with the appraiser's
7 analyses, conclusions, or opinions concerning identified real
8 estate or identified real property is deemed to be an oral
9 appraisal report.

10 Sec. 6. Appraisal services means the act or process of
11 developing an opinion of value, an opinion of value pertaining
12 to the act of appraising, or an appraisal. Appraisal services
13 includes the services performed by an individual acting as an
14 appraiser, including, but not limited to, appraisal, appraisal
15 review, appraisal consulting, or appraisal practice. Appraisal
16 services shall conform to the Uniform Standards of Professional
17 Appraisal Practice.

18 Sec. 7. Appraiser fee schedule means a schedule of
19 appraisals performed by an appraiser at the request of a licensed
20 appraisal management company and the amount paid by the licensed
21 appraisal management company for the performance of such appraisal
22 services.

23 Sec. 8. Appraiser panel means a network of licensed
24 or certified appraisers who are independent contractors of an
25 appraisal management company that have (1) responded to an

1 invitation, a request, or a solicitation from a licensed appraisal
2 management company to perform appraisal services for such company
3 based on a client request or on a periodic basis, as assigned by
4 the licensed appraisal management company, and (2) been selected
5 and approved by a licensed appraisal management company to perform
6 appraisal services for such company.

7 Sec. 9. Section 76-2211.01, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 76-2211.01 Consulting service means an impartial
10 evaluation service as a disinterested third party rendered as part
11 of ~~an appraisal practice~~ services that responds to a client's
12 stated objective and any other engagement for which a real property
13 appraiser is employed or retained to act, or would be perceived by
14 third parties or the public as acting, as a disinterested third
15 party in rendering an unbiased opinion.

16 Sec. 10. Controlling person means (1) an owner, officer,
17 or director of a corporation, partnership, or other business entity
18 seeking to offer appraisal management services in this state, (2)
19 an individual employed, appointed, or authorized by a licensed
20 appraisal management company that has the authority to enter
21 into a contractual relationship for the performance of appraisal
22 management services, or (3) an individual who possesses, directly
23 or indirectly, the power to direct or cause the direction of the
24 management or policies of a licensed appraisal management company.

25 Sec. 11. Section 76-2211.02, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 ~~76-2211.02~~ Credential means a registration, license, or
3 certificate.

4 Sec. 12. (1) Licensed appraisal management company means
5 a person or entity that holds a credential pursuant to the Real
6 Property Appraiser Act as a licensed appraisal management company
7 and that:

8 (a) Directly or indirectly administers a network of
9 appraisers to perform appraisal services for one or more clients,
10 receives a request for appraisal services from a client, or enters
11 into an agreement with one or more appraisers to perform the
12 appraisal services for such request; or

13 (b) Serves as a third-party broker of an appraisal
14 management service between a client and an appraiser and performs
15 appraisal management services.

16 (2) A person or entity that holds himself, herself, or
17 itself out as a licensed appraisal management company, mortgage
18 technology provider, lender processing service, loan processor,
19 mortgage service provider, real estate closing services provider,
20 settlement services provider, vendor management company, or other
21 similar entity is not a licensed appraisal management company
22 unless such person or entity meets the definition in subsection (1)
23 of this section.

24 Sec. 13. Section 76-2213, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 76-2213 Licensed residential real property appraiser
2 means a person who holds a valid credential as a licensed
3 residential real property appraiser issued under the Real Property
4 Appraiser Act. Licensed residential real property appraiser
5 includes persons defined as licensed real property appraisers prior
6 to the operative date of this act.

7 Sec. 14. Section 76-2216, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 76-2216 Real property appraiser means a person (1) who
10 engages in real property appraisal activity, (2) who advertises
11 or holds himself or herself out to the general public as a real
12 property appraiser, or (3) who offers, attempts, or agrees to
13 perform or performs real property appraisal activity. ~~with the~~
14 ~~intention or upon the promise of receiving valuable consideration.~~
15 Real property appraiser includes persons defined as real estate
16 appraisers prior to July 14, 2006.

17 Sec. 15. Relocation management company means a business
18 entity whose exclusive business services are not related to
19 mortgages but include the relocation of employees as an agent
20 or contractor for the employer or the employer's agent for the
21 purposes of determining an anticipated sale price of the residence
22 of an employee being relocated by the employer in the course of its
23 business.

24 Sec. 16. Section 76-2217.02, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 ~~76-2217.02~~ Trainee real property appraiser means a person
2 who holds a valid credential as a trainee real property appraiser
3 issued under the Real Property Appraiser Act and who, under the
4 direct supervision of a certified residential or certified general
5 real property appraiser, assists the appraiser in any phase of
6 appraisal activity but does not include nonprofessional employees
7 such as clerical employees.

8 Sec. 17. Section 76-2213.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 ~~76-2213.01~~ Uniform Standards of Professional Appraisal
11 Practice means the standards promulgated by the Appraisal
12 Foundation, ~~as the standards existed on January 1, 2008, and as~~
13 adopted and promulgated by the board in rules and regulations
14 pursuant to section 76-2237.

15 Sec. 18. Section 76-2220, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 76-2220 Except as provided in section 76-2221, it shall
18 be unlawful for anyone to ~~act as a~~ perform real property appraiser
19 appraisal services in this state without first obtaining proper
20 credentialing as required under the Real Property Appraiser Act.
21 Any such person who does not hold a valid credential under the
22 act shall be subject to the disciplinary actions provided for in
23 section 76-2238.

24 Sec. 19. Section 76-2223, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 76-2223 The ~~board~~ Real Property Appraiser Board shall
2 administer and enforce the Real Property Appraiser Act and may:

3 (1) Receive applications for credentialing under the act,
4 process such applications and regulate the issuance of credentials
5 to qualified applicants, and maintain a directory of the names and
6 addresses of persons who receive credentials under the act;

7 (2) Hold meetings, public hearings, informal conferences,
8 and administrative hearings, prepare or cause to be prepared
9 specifications for all appraiser classifications, solicit bids
10 and enter into contracts with one or more ~~educational~~ testing
11 services, ~~or organizations for the preparation of a bank of~~
12 ~~questions and answers for examinations,~~ and administer or contract
13 for the administration of examinations approved by the Appraiser
14 Qualifications Board in such places and at such times as deemed
15 appropriate;

16 (3) Develop the specifications for credentialing
17 examinations, including timing, location, and security necessary to
18 maintain the integrity of the examinations;

19 (4) Review from time to time the procedure for selecting
20 individual questions from the bank of questions for use in
21 connection with each scheduled examination and review from time
22 to time the questions in the bank of questions and the related
23 answers to ascertain that they meet the specifications established
24 by the board, the procedures and criteria of a contracted testing
25 service to ensure that the testing meets with the approval of the

1 Appraiser Qualifications Board;

2 (5) Collect all fees required or permitted by the act.
3 The ~~board~~ Real Property Appraiser Board shall remit all such
4 receipts to the State Treasurer for credit to the Real Property
5 Appraiser Fund. In addition, the board may collect and transmit
6 to the appropriate federal authority any fees established under
7 the Financial Institutions Reform, Recovery, and Enforcement Act of
8 1989, as the act existed on January 1, ~~2008~~, 2010;

9 (6) Establish appropriate administrative procedures for
10 disciplinary proceedings conducted pursuant to the Real Property
11 Appraiser Act;

12 (7) Issue subpoenas to compel the attendance of witnesses
13 and the production of books, documents, records, and other papers,
14 administer oaths, and take testimony and require submission of and
15 receive evidence concerning all matters within its jurisdiction.
16 In case of disobedience of a subpoena, the ~~board~~ Real Property
17 Appraiser Board may make application to the district court of
18 Lancaster County to require the attendance and testimony of
19 witnesses and the production of documentary evidence. If any
20 person fails to obey an order of the court, he or she may be
21 punished by the court as for contempt thereof;

22 (8) Deny, censure, suspend, or revoke an application or
23 credential if it finds that the applicant or credential holder has
24 committed any of the acts or omissions set forth in section 76-2238
25 or otherwise violated the act. Any disciplinary matter may be

1 resolved through informal disposition pursuant to section 84-913;

2 (9) Take appropriate disciplinary action against a
3 credential holder if the ~~board~~ Real Property Appraiser Board
4 determines that a credential holder has violated any provision
5 of the act or the Uniform Standards of Professional Appraisal
6 Practice;

7 (10) Enter into consent decrees and issue cease and
8 desist orders upon a determination that a violation of the act has
9 occurred;

10 (11) Promote research and conduct studies relating to
11 the profession of real property appraisal, sponsor real property
12 appraisal educational activities, and incur, collect fees for, and
13 pay the necessary expenses in connection with activities which
14 shall be open to all credential holders;

15 (12) Establish and ~~annually~~ adopt minimum standards for
16 appraisals as required under section 76-2237;

17 (13) Adopt and promulgate rules and regulations to
18 carry out the act. The rules and regulations may include
19 provisions establishing minimum standards for schools, courses, and
20 instructors. The rules and regulations shall be adopted pursuant to
21 the Administrative Procedure Act; and

22 (14) Do all other things necessary to carry out the Real
23 Property Appraiser Act.

24 Sec. 20. Section 76-2225, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 76-2225 The members of the board and the board's
2 employees or persons under contract with the board shall be
3 immune from any civil action or criminal prosecution for initiating
4 or assisting in any lawful investigation of the actions of or any
5 disciplinary proceeding concerning a credential holder pursuant to
6 the Real Property Appraiser Act if such action is taken without
7 malicious intent and in the reasonable belief that it was taken
8 pursuant to the powers vested in the members of the board or such
9 employees or persons.

10 Sec. 21. Section 76-2228, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 76-2228 ~~On and after January 1, 2008, there~~ There shall
13 be five classes of credentials issued to real property appraisers
14 as follows:

15 (1) Trainee real property appraiser, which classification
16 shall consist of those persons who meet the requirements set forth
17 in section 76-2228.01;

18 (2) Registered real property appraiser, which
19 classification shall consist of those persons who meet the
20 requirements set forth in section 76-2229.01;

21 (3) Licensed residential real property appraiser, which
22 classification shall consist of those persons who meet the
23 requirements set forth in section 76-2230;

24 (4) Certified residential real property appraiser, which
25 classification shall consist of those persons who meet the

1 requirements set forth in section 76-2231.01; and

2 (5) Certified general real property appraiser, which
3 classification shall consist of those persons who meet the
4 requirements set forth in section 76-2232.

5 Sec. 22. Section 76-2228.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2228.01 (1) ~~On and after January 1, 2008, to~~ To
8 qualify for a credential as a trainee real property appraiser, an
9 applicant shall:

10 (a) Be at least nineteen years of age;

11 (b) Hold a high school diploma or a certificate of high
12 school equivalency or have education acceptable to the board;

13 (c) Have successfully completed no fewer than
14 seventy-five class hours in board-approved courses of study
15 which relate to appraisal and which include completion of the
16 fifteen-hour National Uniform Standards of Professional Appraisal
17 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
18 Qualifications Board as of January 1, 2010, or the equivalent
19 of the course as approved by the Real Property Appraiser Board.

20 The fifteen-hour course shall be taught by a Uniform Standards
21 of Professional Appraisal Practice Instructor who is certified by
22 the Appraiser Qualifications Board and who is a state-certified
23 appraiser in good standing. The courses of study shall be conducted
24 by an accredited, degree-awarding university, college, community
25 college, or junior college, an appraisal society, institute, or

1 association, a state or federal agency or commission, a proprietary
2 school, or such other educational provider as may be approved
3 by the ~~board~~ Real Property Appraiser Board and shall be, at a
4 minimum, fifteen class hours in length. Each course shall include
5 an examination pertinent to the material presented. The applicant
6 shall have completed the class hours within the five-year period
7 immediately preceding submission of the application and shall
8 have completed the fifteen-hour National Uniform Standards of
9 Professional Appraisal Practice Course within the two-year period
10 immediately preceding submission of the application;

11 (d) Be subject to direct supervision by a supervising
12 appraiser or appraisers who are certified residential real property
13 appraisers or certified general real property appraisers in good
14 standing. The supervising appraiser shall be responsible for the
15 training and direct supervision of the trainee by accepting
16 responsibility for the appraisal report by signing and certifying
17 the report is in compliance with the Uniform Standards of
18 Professional Appraisal Practice, reviewing the trainee appraisal
19 reports, and personally inspecting each appraised property with
20 the trainee as is consistent with his or her scope of practice
21 until the supervising appraiser determines the trainee is competent
22 in accordance with the competency rule of the Uniform Standards
23 of Professional Appraisal Practice. The trainee shall maintain an
24 appraisal log for each supervising appraiser in accordance with
25 standards set by rule and regulation of the board; and

1 (e) Not have been convicted of any felony or, if so
2 convicted, have had his or her civil rights restored.

3 (2) To qualify for an upgraded credential, a trainee real
4 property appraiser shall satisfy at least one of the appropriate
5 requirements as follows:

6 (a) For a credential as a licensed residential real
7 property appraiser, he or she shall (i) complete seventy-five
8 additional hours of designated core curriculum education and (ii)
9 meet the experience requirements pursuant to subdivision (1)(d) of
10 section 77-2230;

11 (b) For a credential as a certified residential real
12 property appraiser, he or she shall (i) complete one hundred
13 twenty-five additional hours of designated core curriculum
14 education, (ii) meet the experience requirements pursuant to
15 subdivision (1)(d) of section 76-2231.01, and (iii) meet the
16 postsecondary educational requirements pursuant to subdivision
17 (1)(b)(i) or (ii) of section 76-2231.01; or

18 (c) For a credential as a certified general real property
19 appraiser, he or she shall (i) complete two hundred twenty-five
20 additional hours of designated core curriculum education, (ii)
21 meet the experience requirements pursuant to subdivision (1)(d)
22 of section 76-2232, and (iii) meet the postsecondary educational
23 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
24 76-2232.

25 ~~(2)~~ (3) If a trainee real property appraiser remains in

1 the classification in excess of two years, the trainee shall be
2 required in the third and successive years to successfully complete
3 no fewer than fourteen hours of instruction in courses or seminars
4 for each year of the period preceding the renewal and shall have
5 completed the seven-hour National Uniform Standards of Professional
6 Appraisal Practice Update Course~~, or its equivalent,~~ as the course
7 existed on January 1, 2010, or the equivalent of the course as
8 approved by the Real Property Appraiser Board, at a minimum of
9 every two years. The courses of study shall be conducted by an
10 accredited, degree-awarding university, college, community college,
11 or junior college, an appraisal society, institute, or association,
12 a state or federal agency or commission, a proprietary school,
13 or such other educational provider as may be approved by the
14 board. Credit may be granted for educational offerings and for
15 participation other than as a student as approved by the board.

16 ~~(3)~~ (4) The application for a credential as a trainee
17 real property appraiser shall include the applicant's social
18 security number and such other information as the board may
19 require.

20 Sec. 23. Section 76-2229, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 76-2229 (1) No person other than a registered real
23 property appraiser shall assume or use the title registered real
24 property appraiser or any title, designation, or abbreviation
25 likely to create the impression of credentialing as a registered

1 real property appraiser by this state. No person other than a
2 licensed residential real property appraiser shall assume or use
3 the title licensed residential real property appraiser or any
4 title, designation, or abbreviation likely to create the impression
5 of credentialing as a licensed residential real property appraiser
6 by this state. No person other than a certified residential
7 real property appraiser shall assume or use the title certified
8 residential real property appraiser or any title, designation, or
9 abbreviation likely to create the impression of credentialing as
10 a certified residential real property appraiser by this state.
11 No person other than a certified general real property appraiser
12 shall assume or use the title certified general real property
13 appraiser or any title, designation, or abbreviation likely to
14 create the impression of credentialing as a certified general real
15 property appraiser by this state. No person other than a trainee
16 real property appraiser shall assume or use the title trainee
17 real property appraiser or any title, designation, or abbreviation
18 likely to create the impression of credentialing as a trainee real
19 property appraiser by this state. A real property appraiser shall
20 state whether he or she is a registered real property appraiser,
21 licensed residential real property appraiser, certified residential
22 real property appraiser, certified general real property appraiser,
23 or trainee real property appraiser whenever he or she identifies
24 himself or herself as a real property appraiser, including on all
25 reports which are signed individually or as cosigner.

1 (2) The terms registered real property appraiser,
2 licensed residential real property appraiser, certified residential
3 real property appraiser, certified general real property appraiser,
4 and trainee real property appraiser may only be used to refer
5 to a person who is credentialed as such under the Real Property
6 Appraiser Act and may not be used following or immediately
7 in connection with the name or signature of a corporation,
8 partnership, limited liability company, firm, or group or in such
9 manner that it might be interpreted as referring to a corporation,
10 partnership, limited liability company, firm, or group or to anyone
11 other than the credential holder. This requirement shall not be
12 construed to prevent a credential holder from signing an appraisal
13 report on behalf of a corporation, partnership, limited liability
14 company, firm, or group if it is clear that only the individual
15 holds the credential and that the corporation, partnership, limited
16 liability company, firm, or group does not.

17 Sec. 24. Section 76-2229.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 76-2229.01 (1) ~~On and after January 1, 2008, to~~ To
20 qualify for a credential as a registered real property appraiser,
21 an applicant shall:

22 (a) Be at least nineteen years of age;

23 (b) Hold a high school diploma or a certificate of high
24 school equivalency or have education acceptable to the board;

25 (c) Have successfully completed no fewer than ninety

1 class hours in board-approved courses of study which relate to
2 appraisal and which include the fifteen-hour National Uniform
3 Standards of Professional Appraisal Practice Course, ~~or its~~
4 ~~equivalent~~ as approved by the Appraiser Qualifications Board as of
5 January 1, 2010, or the equivalent of the course as approved by
6 the Real Property Appraiser Board. The courses of study shall be
7 conducted by an accredited, degree-awarding university, college,
8 community college, or junior college, an appraisal society,
9 institute, or association, or such other educational provider as
10 may be approved by the ~~board~~ Real Property Appraiser Board and
11 shall be, at a minimum, fifteen class hours in length. Each course
12 of study shall include an examination pertinent to the material
13 presented;

14 (d) Pass Within the twelve months following approval
15 of the applicant by the Real Property Appraiser Board, pass an
16 examination approved by the Appraiser Qualifications Board as of
17 January 1, 2010, and administered by the board a contracted testing
18 service which demonstrates that the applicant has:

19 (i) Knowledge of technical terms commonly used in or
20 related to appraisal and the writing of appraisal reports;

21 (ii) Knowledge of depreciation theories, cost estimating,
22 methods of capitalization, market data analysis, appraisal
23 mathematics, and economic concepts applicable to real estate;

24 (iii) An understanding of the basic principles of land
25 economics, appraisal processes, and problems encountered in the

1 gathering, interpreting, and processing of data involved in the
2 valuation of real property;

3 (iv) Knowledge of the appraisal of various types of and
4 interests in real property for various functions and purposes;

5 (v) An understanding of basic real estate law;

6 (vi) An understanding of the types of misconduct for
7 which disciplinary proceedings may be initiated;

8 (vii) An understanding of the Uniform Standards of
9 Professional Appraisal Practice;

10 (viii) An understanding of the recognized methods and
11 techniques necessary for the development and communication of a
12 credible appraisal; and

13 (ix) Knowledge of such other principles and procedures as
14 may be appropriate to produce a credible appraisal; and

15 (e) Not have been convicted of any felony or, if so
16 convicted, have had his or her civil rights restored.

17 (2) To qualify for an upgraded credential, a registered
18 real property appraiser shall satisfy at least one of the
19 appropriate requirements as follows:

20 (a) For a credential as a licensed residential real
21 property appraiser, he or she shall (i) complete sixty additional
22 hours of designated core curriculum education and (ii) meet the
23 experience requirements pursuant to subdivision (1)(d) of section
24 77-2230;

25 (b) For a credential as a certified residential real

1 property appraiser, he or she shall (i) complete one hundred ten
2 additional hours of designated core curriculum education, (ii)
3 meet the experience requirements pursuant to subdivision (1)(d) of
4 section 76-2231.01, and (iii) meet the postsecondary educational
5 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
6 76-2231.01; or

7 (c) For a credential as a certified general real property
8 appraiser, he or she shall (i) complete two hundred twenty-five
9 additional hours of designated core curriculum education, (ii)
10 meet the experience requirements pursuant to subdivision (1)(d)
11 of section 76-2232, and (iii) meet the postsecondary educational
12 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
13 76-2232.

14 ~~(2)~~ (3) The application for registration shall include
15 the applicant's social security number and such other information
16 as the ~~board~~ Real Property Appraiser Board may require.

17 ~~(3)~~ On and after January 1, 2008, the (4) The scope of
18 practice of a registered real property appraiser shall be limited
19 to the appraisal of noncomplex property having one, two, three, or
20 four residential units having a transaction value of less than two
21 hundred fifty thousand dollars.

22 ~~(4)~~ On and after January 1, 2008, an (5) An applicant
23 shall receive no more than three successive annual renewals
24 for credentialing as a registered real property appraiser.
25 Notwithstanding any other provision of section 76-2228 to the

1 contrary, the board shall not approve any initial application for
2 credentialing as a registered real property appraiser on and after
3 January 1, 2012.

4 Sec. 25. Section 76-2230, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 76-2230 (1) ~~On and after January 1, 2008, to~~ To qualify
7 for a credential as a licensed residential real property appraiser,
8 an applicant shall:

9 (a) Be at least nineteen years of age;

10 (b) Hold a high school diploma or a certificate of high
11 school equivalency or have education acceptable to the board;

12 (c) Have successfully completed no fewer than one
13 hundred fifty class hours, which may include the class hours set
14 forth in section 76-2229.01, in board-approved courses of study
15 which relate to appraisal and which include completion of the
16 fifteen-hour National Uniform Standards of Professional Appraisal
17 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
18 Qualifications Board as of January 1, 2010, or the equivalent
19 of the course as approved by the Real Property Appraiser Board.

20 The fifteen-hour course shall be taught by a Uniform Standards
21 of Professional Appraisal Practice Instructor who is certified by
22 the Appraiser Qualifications Board and who is a state-certified
23 appraiser in good standing. The courses of study shall be conducted
24 by an accredited, degree-awarding university, college, community
25 college, or junior college, an appraisal society, institute, or

1 association, a state or federal agency or commission, a proprietary
2 school, or such other educational provider as may be approved
3 by the ~~board~~ Real Property Appraiser Board and shall be, at a
4 minimum, fifteen class hours in length. Each course shall include a
5 closed-book examination pertinent to the material presented;

6 (d) Have no fewer than two thousand hours of experience
7 in any combination of the following: Fee and staff appraisal;
8 ad valorem tax appraisal; condemnation appraisal; technical
9 review appraisal; appraisal analysis; real estate consulting;
10 highest-and-best-use analysis; and feasibility analysis or study.
11 The required experience shall not be limited to the listed items
12 but shall be acceptable to the board and subject to review and
13 determination as to conformity with the Uniform Standards of
14 Professional Appraisal Practice. The experience shall have occurred
15 during a period of no fewer than twelve months. If requested,
16 evidence acceptable to the board concerning the experience shall
17 be presented by the applicant in the form of written reports or
18 file memoranda;

19 (e) Within the ~~twenty-four~~ twelve months following
20 approval of the applicant by the board, pass a ~~closed-book~~ an
21 examination approved by the Appraiser Qualifications Board as of
22 January 1, 2010, and administered by the board a contracted testing
23 service which demonstrates that the applicant has:

24 (i) Knowledge of technical terms commonly used in or
25 related to appraisal and the writing of appraisal reports;

1 (ii) Knowledge of depreciation theories, cost estimating,
2 methods of capitalization, market data analysis, appraisal
3 mathematics, and economic concepts applicable to real estate;

4 (iii) An understanding of the principles of land
5 economics, appraisal processes, and problems encountered in the
6 gathering, interpreting, and processing of data involved in the
7 valuation of real property;

8 (iv) Knowledge of the appraisal of various types of and
9 interests in real property for various functions and purposes;

10 (v) An understanding of basic real estate law;

11 (vi) An understanding of the types of misconduct for
12 which disciplinary proceedings may be initiated;

13 (vii) An understanding of the Uniform Standards of
14 Professional Appraisal Practice;

15 (viii) An understanding of the recognized methods and
16 techniques necessary for the development and communication of a
17 credible appraisal; and

18 (ix) Knowledge of such other principles and procedures as
19 may be appropriate to produce a credible appraisal; and

20 (f) Not have been convicted of any felony or, if so
21 convicted, have had his or her civil rights restored.

22 (2) To qualify for an upgraded credential, a licensed
23 residential real property appraiser shall satisfy at least one of
24 the appropriate requirements as follows:

25 (a) For a credential as a certified residential

1 real property appraiser, he or she shall (i) complete fifty
 2 additional hours of designated core curriculum education, (ii)
 3 meet the experience requirements pursuant to subdivision (1)(d) of
 4 section 76-2231.01, and (iii) meet the postsecondary educational
 5 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
 6 76-2231.01; or

7 (b) For a credential as a certified general real property
 8 appraiser, he or she shall (i) complete one hundred fifty
 9 additional hours of designated core curriculum education, (ii)
 10 meet the experience requirements pursuant to subdivision (1)(d)
 11 of section 76-2232, and (iii) meet the postsecondary educational
 12 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
 13 76-2232.

14 ~~(2) On and after January 1, 2008, the~~ (3) The scope of
 15 practice for a licensed residential real property appraiser shall
 16 be limited to the appraisal of noncomplex property having one,
 17 two, three, or four residential units with a transaction value of
 18 less than one million dollars and complex property having one, two,
 19 three, or four residential units with a transaction value of less
 20 than two hundred fifty thousand dollars.

21 ~~(3)~~ (4) If an applicant is applying for renewal of a
 22 credential as a licensed residential real property appraiser, ~~on~~
 23 ~~and after January 1, 2008,~~ the applicant shall have successfully
 24 completed no fewer than fourteen hours of instruction in courses
 25 or seminars for each year of the two-year continuing education

1 period during which the application is submitted and shall have
2 completed the seven-hour National Uniform Standards of Professional
3 Appraisal Practice Update Course, ~~or its equivalent~~ as approved
4 by the Appraiser Qualifications Board as of January 1, 2010, or
5 the equivalent of the course as approved by the Real Property
6 Appraiser Board, at a minimum of every two years. The seven-hour
7 course shall be taught by a Uniform Standards of Professional
8 Appraisal Practice Instructor who is certified by the Appraiser
9 Qualifications Board and who is a state-certified appraiser in good
10 standing. Credit toward a classroom hour requirement may be granted
11 only when the length of the educational offering is at least two
12 hours. The courses of study shall be conducted by an accredited,
13 degree-awarding university, college, community college, or junior
14 college, an appraisal society, institute, or association, a state
15 or federal agency or commission, a proprietary school, or such
16 other educational provider as may be approved by the ~~board~~. Real
17 Property Appraiser Board. Credit may be granted for educational
18 offerings and for participation other than as a student as approved
19 by the board.

20 ~~(4)~~ (5) The application for the credential as a licensed
21 residential real property appraiser shall include the applicant's
22 social security number and such other information as the board may
23 require.

24 Sec. 26. Section 76-2231.01, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 76-2231.01 (1) ~~On and after January 1, 2008, to~~ To
2 qualify for a credential as a certified residential real property
3 appraiser, an applicant shall:

4 (a) Be at least nineteen years of age;

5 (b)(i) Hold an associate degree, or higher, from an
6 accredited, degree-awarding university, college, community college,
7 or junior college; or

8 (ii) Have successfully completed, as verified by the
9 board, twenty-one semester hours of coursework or its equivalent
10 from an accredited, degree-awarding university, college, community
11 college, or junior college that shall have included English
12 composition; principles of macroeconomics or microeconomics;
13 finance; algebra, geometry, or higher mathematics; statistics;
14 introduction to computers, including word processing and spread
15 sheets; and business or real estate law;

16 (c) Have successfully completed no fewer than two hundred
17 class hours, which may include the class hours set forth in
18 sections 76-2229.01 and 76-2230, in board-approved courses of study
19 which relate to appraisal and which include completion of the
20 fifteen-hour National Uniform Standards of Professional Appraisal
21 Practice Course, ~~or its equivalent~~ as approved by the Appraiser
22 Qualifications Board as of January 1, 2010, or the equivalent
23 of the course as approved by the Real Property Appraiser Board.
24 The fifteen-hour course shall be taught by a Uniform Standards
25 of Professional Appraisal Practice Instructor who is certified by

1 the Appraiser Qualifications Board and who is a state-certified
2 appraiser in good standing. The courses of study shall be conducted
3 by an accredited, degree-awarding university, college, community
4 college, or junior college, an appraisal society, institute, or
5 association, a state or federal agency or commission, a proprietary
6 school, or such other educational provider as may be approved
7 by the ~~board~~ Real Property Appraiser Board and shall be, at a
8 minimum, fifteen class hours in length. ~~Credit toward the class~~
9 ~~hour requirement may be awarded to teachers of appraisal courses.~~
10 Each course shall include a closed-book examination pertinent to
11 the material presented;

12 (d) Have no fewer than two thousand five hundred hours
13 of experience in any combination of the following: Fee and staff
14 appraisal; ad valorem tax appraisal; condemnation appraisal;
15 technical review appraisal; appraisal analysis; real estate
16 consulting; highest-and-best-use analysis; and feasibility analysis
17 or study. The required experience shall not be limited to the
18 listed items but shall be acceptable to the board and subject
19 to review and determination as to conformity with the Uniform
20 Standards of Professional Appraisal Practice. The experience shall
21 have occurred during a period of no fewer than twenty-four months.
22 If requested, evidence acceptable to the board concerning the
23 experience shall be presented by the applicant in the form of
24 written reports or file memoranda;

25 (e) Within the ~~twenty-four~~ twelve months following

1 approval of the applicant by the board, pass a ~~closed-book~~ an
2 examination approved by the Appraiser Qualifications Board as of
3 January 1, 2010, and administered by the board a contracted testing
4 service which demonstrates that the applicant has:

5 (i) Knowledge of technical terms commonly used in or
6 related to appraisal and the writing of appraisal reports;

7 (ii) Knowledge of depreciation theories, cost estimating,
8 methods of capitalization, market data analysis, appraisal
9 mathematics, and economic concepts applicable to real estate;

10 (iii) An understanding of the principles of land
11 economics, appraisal processes, and problems encountered in the
12 gathering, interpreting, and processing of data involved in the
13 valuation of real property;

14 (iv) Knowledge of the appraisal of various types of and
15 interests in real property for various functions and purposes;

16 (v) An understanding of basic real estate law;

17 (vi) An understanding of the types of misconduct for
18 which disciplinary proceedings may be initiated;

19 (vii) An understanding of the Uniform Standards of
20 Professional Appraisal Practice;

21 (viii) An understanding of the recognized methods and
22 techniques necessary for the development and communication of a
23 credible appraisal; and

24 (ix) Knowledge of such other principles and procedures as
25 may be appropriate to produce a credible appraisal; and

1 (f) Not have been convicted of any felony or, if so
2 convicted, have had his or her civil rights restored.

3 (2) To qualify for an upgraded credential as a certified
4 general real property appraiser, a certified residential real
5 property appraiser shall satisfy the following requirements:

6 (a) Complete one hundred additional hours of designated
7 core curriculum education;

8 (b) Meet the experience requirements pursuant to
9 subdivision (1)(d) of section 76-2232; and

10 (c) Meet the postsecondary educational requirements
11 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

12 ~~(2) On and after January 1, 2008, the~~ (3) The scope of
13 practice of a certified residential real property appraiser shall
14 be limited to the appraisal of property having one, two, three,
15 or four residential units without regard to transaction value or
16 complexity.

17 ~~(3)~~ (4) If an applicant is applying for renewal of a
18 credential as a certified residential real property appraiser, ~~on~~
19 ~~and after January 1, 2008,~~ the applicant shall have successfully
20 completed no fewer than fourteen hours of instruction in courses
21 or seminars for each year of the two-year continuing education
22 period during which the application is submitted and shall have
23 completed the seven-hour National Uniform Standards of Professional
24 Appraisal Practice Update Course, ~~or its equivalent~~ as approved
25 by the Appraiser Qualifications Board as of January 1, 2010, or

1 the equivalent of the course as approved by the Real Property
2 Appraiser Board, at a minimum of every two years. The seven-hour
3 course shall be taught by a Uniform Standards of Professional
4 Appraisal Practice Instructor who is certified by the Appraiser
5 Qualifications Board and who is a state-certified appraiser in good
6 standing. Credit toward a classroom hour requirement may be granted
7 only if the length of the educational offering is at least two
8 hours. The courses of study shall be conducted by an accredited,
9 degree-awarding university, college, community college, or junior
10 college, an appraisal society, institute, or association, a state
11 or federal agency or commission, a proprietary school, or such
12 other educational provider as may be approved by the ~~board~~. Real
13 Property Appraiser Board. Credit may be granted for educational
14 offerings and for participation other than as a student as approved
15 by the board.

16 ~~(4)~~ (5) The application for a credential as a certified
17 residential real property appraiser shall include the applicant's
18 social security number and such other information as the board may
19 require.

20 Sec. 27. Section 76-2232, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 76-2232 (1) ~~On and after January 1, 2008, to~~ To qualify
23 for a credential as a certified general real property appraiser, an
24 applicant shall:

25 (a) Be at least nineteen years of age;

1 (b) (i) Hold a bachelor's degree, or higher, from an
2 accredited, degree-awarding university or college; or

3 (ii) Have successfully completed, as verified by the
4 board, thirty semester hours of coursework or its equivalent from
5 an accredited, degree-awarding university or college that shall
6 have included English composition; macroeconomics; microeconomics;
7 finance; algebra, geometry, or higher mathematics; statistics;
8 introduction to computers, including word processing and spread
9 sheets; business or real estate law; and two elective courses in
10 accounting, geography, agricultural economics, business management,
11 or real estate;

12 (c) Have successfully completed no fewer than three
13 hundred class hours, which may include the class hours set forth
14 in sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved
15 courses of study which relate to appraisal and which include
16 completion of the fifteen-hour National Uniform Standards of
17 Professional Appraisal Practice Course, ~~or its equivalent~~ as
18 approved by the Appraiser Qualifications Board as of January
19 1, 2010, or the equivalent of the course as approved by the
20 Real Property Appraiser Board. The fifteen-hour course shall be
21 taught by a Uniform Standards of Professional Appraisal Practice
22 Instructor who is certified by the Appraiser Qualifications
23 Board and who is a state-certified appraiser in good standing.
24 The courses of study shall be conducted by an accredited,
25 degree-awarding university, college, community college, or junior

1 college, an appraisal society, institute, or association, a state
2 or federal agency or commission, a proprietary school, or such
3 other educational provider as may be approved by the ~~board~~ Real
4 Property Appraiser Board and shall be, at a minimum, fifteen class
5 hours in length. ~~Credit toward the class hour requirement may be~~
6 ~~awarded to teachers of appraisal courses.~~ Each course shall include
7 a closed-book examination pertinent to the material presented;

8 (d) Have no fewer than three thousand hours of experience
9 in any combination of the following: Fee and staff appraisal;
10 ad valorem tax appraisal; condemnation appraisal; technical
11 review appraisal; appraisal analysis; real estate consulting;
12 highest-and-best-use analysis; and feasibility analysis or study.
13 The required experience shall not be limited to the listed items
14 but shall be acceptable to the board and subject to review and
15 determination as to conformity with the Uniform Standards of
16 Professional Appraisal Practice. The experience shall have occurred
17 during a period of no fewer than thirty months. If requested,
18 evidence acceptable to the board concerning the experience shall
19 be presented by the applicant in the form of written reports or
20 file memoranda;

21 (e) Within the ~~twenty-four~~ twelve months following
22 approval of the applicant by the board, pass a ~~closed-book~~ an
23 examination approved by the Appraiser Qualifications Board as of
24 January 1, 2010, and administered by the board a contracted testing
25 service which demonstrates that the applicant has:

1 (i) Knowledge of technical terms commonly used in or
2 related to appraisal and the writing of appraisal reports;

3 (ii) Knowledge of depreciation theories, cost estimating,
4 methods of capitalization, market data analysis, appraisal
5 mathematics, and economic concepts applicable to real estate;

6 (iii) An understanding of the principles of land
7 economics, appraisal processes, and problems encountered in the
8 gathering, interpreting, and processing of data involved in the
9 valuation of real property;

10 (iv) Knowledge of the appraisal of various types of and
11 interests in real property for various functions and purposes;

12 (v) An understanding of basic real estate law;

13 (vi) An understanding of the types of misconduct for
14 which disciplinary proceedings may be initiated;

15 (vii) An understanding of the Uniform Standards of
16 Professional Appraisal Practice;

17 (viii) An understanding of the recognized methods and
18 techniques necessary for the development and communication of a
19 credible appraisal; and

20 (ix) Knowledge of such other principles and procedures as
21 may be appropriate to produce a credible appraisal; and

22 (f) Not have been convicted of any felony or, if so
23 convicted, have had his or her civil rights restored.

24 (2) If an applicant is applying for renewal of a
25 credential as a certified general real property appraiser, ~~or~~

1 ~~and after January 1, 2008,~~ the applicant shall have successfully
2 completed no fewer than fourteen hours of instruction in courses
3 or seminars for each year of the two-year continuing education
4 period during which the application is submitted and shall have
5 completed the seven-hour National Uniform Standards of Professional
6 Appraisal Practice Update Course ~~or its equivalent~~ as approved
7 by the Appraiser Qualifications Board as of January 1, 2010, or
8 the equivalent of the course as approved by the Real Property
9 Appraiser Board, at a minimum of every two years. The seven-hour
10 course shall be taught by a Uniform Standards of Professional
11 Appraisal Practice Instructor who is certified by the Appraiser
12 Qualifications Board and who is a state-certified appraiser in good
13 standing. Credit toward a classroom hour requirement may be granted
14 only if the length of the educational offering is at least two
15 hours. The courses of study shall be conducted by an accredited,
16 degree-awarding university, college, community college, or junior
17 college, an appraisal society, institute, or association, a state
18 or federal agency or commission, a proprietary school, or such
19 other educational provider as may be approved by the ~~board.~~ Real
20 Property Appraiser Board. Credit may be granted for educational
21 offerings and for participation other than as a student as approved
22 by the board.

23 (3) The application for a credential as a certified
24 general real property appraiser shall include the applicant's
25 social security number and such other information as the board may

1 require.

2 Sec. 28. Section 76-2233, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-2233 (1) A nonresident of this state may obtain a
5 credential as a licensed residential real property appraiser, a
6 certified residential real property appraiser, or a certified
7 general real property appraiser by (a) complying with all of
8 the provisions of the Real Property Appraiser Act relating to
9 the appropriate classification of credentialing, (b) submitting an
10 application on a form approved by the board, and (c) submitting an
11 irrevocable consent that service of process upon him or her may be
12 made by delivery of the process to the director of the board if the
13 plaintiff cannot, in the exercise of due diligence, effect personal
14 service upon the applicant in an action against the applicant in a
15 court of this state arising out of the applicant's activities in
16 this state.

17 (2) If, in the determination of the board, another
18 state or territory or the District of Columbia has substantially
19 equivalent requirements to the requirements of this state, an
20 applicant who is a resident of that state, territory, or district
21 and is currently credentialed to appraise real estate and real
22 property under the laws of that state, territory, or district may
23 through reciprocity become credentialed under the act. To qualify
24 for reciprocal credentialing, the applicant shall:

25 (a) Submit evidence that he or she is currently a

1 resident of the state, territory, or District of Columbia in which
2 he or she is credentialed to appraise real estate and real property
3 and that such credential is in good standing, along with his or her
4 social security number and such other information as the board may
5 require;

6 (b) Certify that disciplinary proceedings are not pending
7 against him or her or state the nature of any pending disciplinary
8 proceedings;

9 (c) Submit an irrevocable consent that service of process
10 upon him or her may be made by delivery of the process to the
11 director of the board if the plaintiff cannot, in the exercise of
12 due diligence, effect personal service upon the applicant in an
13 action against the applicant in a court of this state arising out
14 of the applicant's activities as a real property appraiser in this
15 state;

16 (d) Pay fees as established in section 76-2241; and

17 (e) Comply with such other terms and conditions as may be
18 determined by the board.

19 Sec. 29. Section 76-2233.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 76-2233.01 A nonresident may obtain a temporary
22 credential as a licensed residential real property appraiser, a
23 certified residential real property appraiser, or a certified
24 general real property appraiser to perform a contract relating to
25 the appraisal of real estate or real property in this state. To

1 qualify for the issuance of a temporary credential, an applicant
2 shall:

3 (1) Submit an application on a form approved by the
4 board;

5 (2) Submit an irrevocable consent that service of process
6 upon him or her may be made by delivery of the process to the
7 director of the board if the plaintiff cannot, in the exercise of
8 due diligence, effect personal service upon the applicant in an
9 action against the applicant in a court of this state arising out
10 of the applicant's activities in this state;

11 (3) Submit evidence that he or she is credentialed as a
12 licensed or certified appraiser of real estate and real property
13 and is currently in good standing in the jurisdiction of residency,
14 along with his or her social security number and such other
15 information as the board may require;

16 (4) Certify that disciplinary proceedings are not pending
17 against the applicant in the applicant's state of domicile or
18 in any other jurisdiction or state the nature of any pending
19 disciplinary proceedings; and

20 (5) Pay an application fee in an amount established by
21 the board.

22 A temporary credential issued under this section shall be
23 expressly limited to a grant of authority to perform the appraisal
24 work required by the contract for appraisal services in this state.
25 Each temporary credential shall expire upon the completion of the

1 appraisal work required by the contract for appraisal services or
2 upon the expiration of a period of six months from the date of
3 issuance, whichever occurs first. A temporary credential may be
4 renewed for one additional six-month period.

5 Sec. 30. Section 76-2233.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2233.02 A credential issued under the Real Property
8 Appraiser Act other than a temporary credential shall remain in
9 effect until December 31 ~~following the date of credentialing of~~
10 the designated year unless surrendered, revoked, suspended, or
11 canceled prior to such date. To renew a valid credential, the
12 credential holder shall file an application on a form approved
13 by the board and pay the prescribed renewal fee to the board
14 not later than November 30 of each the designated year. In every
15 second year of renewal, as specified in section 76-2236, evidence
16 of completion of continuing education requirements shall accompany
17 renewal application or be on file with the board prior to renewal.

18 If a credential holder fails to apply and meet the
19 requirements for renewal by November 30 of the designated year,
20 such credential holder may obtain a renewal of such credential by
21 satisfying all of the requirements for renewal and paying a late
22 renewal fee if such late renewal takes place prior to July 1 of the
23 following year. The board may refuse to renew any credential if the
24 credential holder has continued to perform real property appraisal
25 activities or other related activities in this state following the

1 expiration of his or her credential.

2 Sec. 31. Section 76-2236, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 76-2236 Every credential holder shall furnish evidence
5 to the board that he or she has satisfactorily completed no
6 fewer than twenty-eight hours of approved continuing education
7 activities in each two-year continuing education period. Hours of
8 satisfactorily completed approved continuing education activities
9 cannot be carried over from one two-year continuing education
10 period to another. ~~The board may extend or waive the continuing~~
11 ~~education requirements by rule or regulation.~~ As prescribed by
12 rule or regulation of the board and at least once every two
13 years, the seven-hour National Uniform Standards of Professional
14 Appraisal Practice Update Course, ~~or its equivalent~~ as approved by
15 the Appraiser Qualifications Board as of January 1, 2010, or the
16 equivalent of the course as approved by the Real Property Appraiser
17 Board, shall be included in the continuing education requirement
18 of each credential holder. As prescribed by rule or regulation
19 of the Real Property Appraiser Board and at least once every
20 four years, a seven-hour report writing update course shall be
21 included in the continuing education requirement of each credential
22 holder. ~~The board~~ Real Property Appraiser Board shall approve
23 continuing education activities which it determines would protect
24 the public by improving the competency of credential holders.
25 Evidence of completion of such continuing education activities for

1 the two-year continuing education period may be submitted to the
2 board as each activity is completed. A person who holds a temporary
3 or reciprocal credential shall not have to meet any continuing
4 education requirements in this state.

5 Sec. 32. Section 76-2237, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 76-2237 Each credential holder shall comply with the
8 Uniform Standards of Professional Appraisal Practice. The board
9 shall adopt and promulgate rules and regulations which conform to
10 the Uniform Standards of Professional Appraisal Practice. The board
11 shall review such rules and regulations annually. A copy of each
12 such rule or regulation shall be mailed to the business address of
13 transmitted electronically to each credential holder and shall be
14 made available on the board's web site.

15 Sec. 33. Section 76-2238, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 76-2238 The following acts and omissions shall be
18 considered grounds for disciplinary action or denial of an
19 application by the board:

20 (1) Failing to meet the minimum qualifications for
21 credentialing established by or pursuant to the Real Property
22 Appraiser Act;

23 (2) Procuring or attempting to procure a credential
24 under the act by knowingly making a false statement, submitting
25 false information, or making a material misrepresentation in an

1 application filed with the board or procuring or attempting to
2 procure a credential through fraud or misrepresentation;

3 (3) Paying money or other valuable consideration other
4 than the fees provided for by the act to any member or employee of
5 the board to procure a credential;

6 (4) An act or omission involving real estate or
7 appraisal ~~practice~~ services which constitutes dishonesty, fraud,
8 or misrepresentation with or without the intent to substantially
9 benefit the credential holder or another person or with the intent
10 to substantially injure another person;

11 (5) Entry of a final civil or criminal judgment against a
12 credential holder on grounds of fraud, misrepresentation, or deceit
13 involving real estate or in the making of an appraisal;

14 (6) Conviction, including a conviction based upon a plea
15 of guilty or nolo contendere, of a crime which is related to the
16 qualifications, functions, or duties of a real property appraiser;

17 (7) Engaging in the business of real property appraising
18 under an assumed or fictitious name;

19 (8) Paying a finder's fee or a referral fee to any
20 person in connection with the appraisal of real estate or
21 real property, except that an intracompany payment for business
22 development shall not be considered to be unethical or a violation
23 of this subdivision;

24 (9) Making a false or misleading statement in that
25 portion of a written appraisal report that deals with professional

1 qualifications or in any testimony concerning professional
2 qualifications;

3 (10) Any violation of the act or any rule or regulation
4 adopted and promulgated pursuant to the act;

5 (11) Violation of the confidential nature of any
6 information to which a credential holder gained access through
7 employment for evaluation assignments or valuation assignments;

8 (12) Acceptance of a fee for performing a real property
9 appraisal valuation assignment or evaluation assignment when the
10 fee is or was contingent upon (a) the real property appraiser
11 reporting a predetermined analysis, opinion, or conclusion, (b) the
12 analysis, opinion, conclusion, or valuation reached, or (c) the
13 consequences resulting from the appraisal;

14 (13) Failure or refusal to exercise reasonable diligence
15 in developing an appraisal, preparing an appraisal report,
16 performing an appraisal review, performing appraisal consulting, or
17 communicating an appraisal;

18 (14) Negligence or incompetence in developing an
19 appraisal, preparing an appraisal report, or communicating an
20 appraisal, including failure to follow the standards and ethical
21 rules adopted by the board;

22 (15) Failure to maintain, or to make available for
23 inspection and copying, records required by the board;

24 (16) Demonstrating negligence, incompetence, or
25 unworthiness to act as an appraiser, whether of the same or of a

1 different character as otherwise specified in this section;

2 (17) Suspension or revocation of an appraisal credential
3 or a license in another regulated occupation, trade, or profession
4 in this or any other jurisdiction;

5 (18) Failure to comply with terms of a consent agreement
6 or settlement agreement;

7 (19) Failure to submit or produce books, records,
8 documents, work files, appraisal reports, or other materials
9 requested by the board concerning any matter under investigation;

10 (20) Failure of an educational provider to produce
11 records, documents, reports, or other materials, including, but
12 not limited to, required student attendance reports, to the board;

13 ~~(20)~~ (21) Presentation to the board of any check which is
14 returned to the State Treasurer unpaid, whether payment of fee is
15 for an initial or renewal credential or for examination; and

16 ~~(21)~~ (22) Failure to pass the examination.

17 Sec. 34. Section 76-2240, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 76-2240 (1) The administrative hearing on the allegations
20 in the complaint filed pursuant to section 76-2239 shall be heard
21 by ~~the board~~ a hearing officer at the time and place prescribed
22 by the board and in accordance with the Administrative Procedure
23 Act. If, at the conclusion of the hearing, the ~~board~~ hearing
24 officer determines that the credential holder is guilty of the
25 violation, ~~it~~ the board shall take such disciplinary action as

1 ~~it~~ the board deems appropriate. Disciplinary actions which may be
2 taken shall include, but not be limited to, revocation, suspension,
3 probation, admonishment, letter of reprimand, and formal censure,
4 with ~~or without~~ publication, of the credential holder and may
5 or may not include an education requirement. Costs incurred for
6 an administrative hearing, including fees of counsel, the hearing
7 officer, court reporters, investigators, and witnesses, shall be
8 taxed as costs in such action as the board may direct.

9 (2) The decision and order of the board shall be final.
10 Any decision or order of the board may be appealed. The appeal
11 shall be on questions of law only and otherwise shall be in
12 accordance with the Administrative Procedure Act.

13 Sec. 35. Section 76-2241, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2241 The board shall charge and collect appropriate
16 fees for its services under the Real Property Appraiser Act as
17 follows:

18 (1) An application fee of one hundred fifty dollars;

19 (2) An examination fee of no more than three hundred
20 dollars. The board may direct applicants to pay the fee directly to
21 a third party who has contracted to administer the examination;

22 (3) An initial and renewal credentialing fee, other than
23 temporary credentialing, of no more than three hundred dollars;

24 (4) A late renewal fee of twenty-five dollars for each
25 month or portion of a month the fee is late;

1 (5) A temporary credential application fee for a licensed
2 residential real property appraiser, a certified residential real
3 property appraiser, or a certified general real property appraiser
4 of no more than one hundred dollars; and

5 (6) A pocket card fee of no more than fifty dollars
6 for a licensed residential real property appraiser, certified
7 residential real property appraiser, or certified general real
8 property appraiser holding a temporary credential under the act.

9 All fees for credentialing through reciprocity shall be
10 the same as those paid by others pursuant to this section.

11 In addition to the fees set forth in this section, the
12 board may collect and transmit to the appropriate federal authority
13 any fees established under the provisions of the Financial
14 Institutions Reform, Recovery, and Enforcement Act of 1989, as
15 the act existed on January 1, 2008- 2010. The board may establish
16 such fees as it deems appropriate for special examinations and
17 other services provided by the board. All fees and other revenue
18 collected pursuant to the Real Property Appraiser Act shall be
19 remitted by the board to the State Treasurer for credit to the Real
20 Property Appraiser Fund.

21 Sec. 36. (1) It shall be unlawful for any person or
22 entity to directly or indirectly engage or attempt to engage in
23 the business of a licensed appraisal management company, directly
24 or indirectly perform or attempt to perform appraisal management
25 services, or advertise or hold himself, herself, or itself out

1 as engaging in or conducting the business of a licensed appraisal
2 management company without possessing a credential issued by the
3 board pursuant to the Real Property Appraiser Act.

4 (2) To apply for a credential to be licensed as an
5 appraisal management company, the applicant shall submit at least
6 the following to the board:

7 (a) The name of the person or entity seeking licensure;

8 (b) The business address of the entity, if applicable;

9 (c) The telephone contact information of the person or
10 entity;

11 (d) If the entity seeking licensure is not a corporation
12 that is domiciled in this state, the name and telephone contact
13 information of the entity's agent for service of process in this
14 state;

15 (e) The name, address, and telephone contact information
16 of any person or corporation, partnership, or other business entity
17 that purports to own the appraisal management company;

18 (f) The name, address, and telephone contact information
19 of the controlling person of the entity, if applicable;

20 (g) An irrevocable consent to service of process; and

21 (h) Any other information required by the board.

22 (3) This section does not apply to:

23 (a) A person that exclusively employs persons for the
24 performance of appraisal services. The employer is responsible
25 for ensuring that his or her employee's appraisal services are

1 performed by employees in accordance with the Uniform Standards of
2 Professional Appraisal Practice;

3 (b) A division or unit within a financial institution
4 that is subject to direct regulation by an agency of the federal
5 government or by an agency of this state that receives a request
6 for the performance of appraisal services from an employee of
7 the financial institution and another employee of the financial
8 institution assigns the request to an appraiser that is part of an
9 appraiser panel. An appraisal management company that is a wholly
10 owned subsidiary of a financial institution shall not be considered
11 a division or unit within a financial institution for purposes of
12 this section;

13 (c) An appraiser that enters into an agreement, written
14 or oral, with an appraiser for the performance of appraisal
15 services and upon the completion of the appraisal services, the
16 appraisal report is signed by both the appraiser who completed the
17 appraisal and the appraiser who requested the appraisal; or

18 (d) A relocation management company in the course of
19 employee relocation.

20 (4) An applicant for a license under this section shall
21 submit an application to the board on a form prescribed by the
22 board.

23 (5) A license issued by the board pursuant to this
24 section shall be valid for one year after the date of issuance.

25 (6) The board shall establish a fee for each application

1 submitted pursuant to this section. The fee shall be established so
2 that the sum of fees paid by applicants under this section shall
3 pay for the administration of licensure of appraisal management
4 companies.

5 Sec. 37. (1) An appraisal management company applying for
6 licensure in this state shall not be owned in whole or in part
7 by (a) a person or (b) an entity that is owned in whole or in
8 part by a person who has had a credential application denied or a
9 credential revoked pursuant to the Real Property Appraiser Act.

10 (2) Any person that owns any part of a licensed appraisal
11 management company in this state shall:

12 (a) Be of good moral character, as determined by the
13 board; and

14 (b) Submit to a background investigation, as determined
15 by the board.

16 (3) An applicant for licensure as an appraisal management
17 company shall designate a controlling person as the primary contact
18 for all communication between the company and the board. Such
19 person shall:

20 (a) Hold a credential as an appraiser in this state or
21 another state;

22 (b) Have never had a credential application to act as an
23 appraiser denied or a credential to act as an appraiser revoked in
24 any state;

25 (c) Be of good moral character, as determined by the

1 board; and

2 (d) Submit to a background investigation, as determined
3 by the board.

4 Sec. 38. (1) A licensed appraisal management company
5 credentialed pursuant to the Real Property Appraiser Act shall not:

6 (a) Employ any person who has had a credential
7 application to act as an appraiser denied or a credential to act as
8 an appraiser revoked in any state;

9 (b) Enter into a contract, an agreement, or other
10 business arrangement with an independent contractor, whether
11 written, oral, or by electronic means, with a person who has
12 had a credential application to act as an appraiser denied or a
13 credential to act as an appraiser revoked in any state; or

14 (c) Enter into a contract, an agreement, or other
15 business arrangement, whether written, oral, or by electronic
16 means, with an entity that employs any person or enters into a
17 contract, an agreement, or other business arrangement with any
18 person who has had a credential application to act as an appraiser
19 denied or a credential to act as an appraiser revoked in any state.

20 (2) An employee of the appraisal management company or
21 an independent contractor working for the appraisal management
22 company that has any involvement in the performance of appraisal
23 services or the review and analysis of completed appraisals on
24 real property in Nebraska shall hold a credential as a licensed
25 residential real property appraiser, a certified residential real

1 property appraiser, or a certified general real property appraiser
2 under the act.

3 (3) No licensed appraisal management company shall
4 require or request any appraiser to perform any service that is not
5 in compliance with the Uniform Standards of Professional Appraisal
6 Practice.

7 Sec. 39. (1) A licensed appraisal management company
8 credentialed pursuant to the Real Property Appraiser Act shall not
9 enter into any contract, agreement, or other business relationship
10 with any person for the performance of appraisal services unless
11 that person holds a valid credential as a licensed residential
12 real property appraiser, a certified residential real property
13 appraiser, or a certified general real property appraiser under the
14 act. A licensed appraisal management company shall certify to the
15 board on an annual basis on a form prescribed by the board that the
16 company has a process in place to verify that such person holds the
17 required credential.

18 (2) A licensed appraisal management company shall certify
19 to the board on an annual basis on a form prescribed by the board
20 that the company has a process in place to review the work of
21 all appraisers that have performed appraisals for the company on
22 a periodic basis to ensure that appraisals are being conducted
23 in accordance with the Uniform Standards of Professional Appraisal
24 Practice.

25 (3) A licensed appraisal management company shall certify

1 to the board on an annual basis on a form prescribed by the board
2 a record of each appraisal service request received and the name of
3 the appraiser that performed the requested appraisal services. The
4 licensed appraisal management company shall provide to the board
5 a list of appraisers retained by the company, including those on
6 an appraiser panel, on an annual basis and shall notify the board
7 within thirty days after the removal of an appraiser from the
8 appraiser panel or from the list of appraisers along with a reason
9 for the removal.

10 Sec. 40. (1) An appraisal report prepared for a licensed
11 appraisal management company shall include, in the report, the fees
12 paid to the appraiser by the company for such appraisal services.

13 (2) A licensed appraisal management company shall notify
14 the board on an annual basis if the company utilizes an appraiser
15 fee schedule.

16 (3) Upon request by the board, a licensed appraisal
17 management company shall provide copies of any appraiser fee
18 schedule to the board, at which time the board may make such
19 schedule public at its discretion.

20 Sec. 41. (1) It shall be unlawful for any employee,
21 director, officer, or agent of a licensed appraisal management
22 company to influence or attempt to influence the development,
23 reporting, or review of an appraisal through coercion, extortion,
24 collusion, compensation, instruction, inducement, intimidation,
25 bribery, or any other manner of influence, including, but not

1 limited to:

2 (a) Withholding or threatening to withhold timely payment
3 for an appraisal;

4 (b) Withholding or threatening to withhold future
5 business for or demoting or termination or threatening to demote
6 or terminate an appraiser;

7 (c) Expressly or implicitly promising future business,
8 promotions, or increased compensation for an appraiser;

9 (d) Conditioning the request for an appraisal or the
10 payment of an appraisal fee or salary or bonus on the opinion,
11 conclusion, or valuation to be reached or on a preliminary estimate
12 or opinion requested from an appraiser;

13 (e) Requesting that an appraiser provide an estimated,
14 predetermined, or desired valuation in an appraisal report or
15 provide estimated values or comparable sales at any time prior to
16 the appraiser's completion of an appraisal;

17 (f) Providing to an appraiser an anticipated, estimated,
18 encouraged, or desired value for a subject property or a proposed
19 or target amount to be loaned to the borrower, except that a copy
20 of the sales contract for purchase transactions may be provided;

21 (g) Providing an appraiser or any entity or person
22 related to the appraiser stock or other financial or nonfinancial
23 benefits;

24 (h) Removing or allowing the removal of an appraiser from
25 an appraiser panel without prior written notice to such appraiser;

1 (i) Obtaining, using, or paying for a second or
2 subsequent appraisal or ordering an automated valuation model in
3 connection with a mortgage financing transaction unless (i) there
4 is a reasonable basis to believe that the initial appraisal was
5 flawed or tainted and such basis is clearly and appropriately noted
6 in the loan file or (ii) such appraisal or automated valuation
7 model is done pursuant to a bona fide prefunding or postfunding
8 appraisal review or quality control process;

9 (j) Using or compelling an appraiser to sign or accept a
10 hold harmless agreement or indemnification agreement; or

11 (k) Committing any other act or practice that impairs
12 or attempts to impair an appraiser's independence, objectivity, or
13 impartiality.

14 (2) Nothing in this section shall be construed to
15 prohibit the licensed appraisal management company from requesting
16 that an appraiser provide additional information about the basis
17 for a valuation or correct objective factual errors in an appraisal
18 report.

19 Sec. 42. Any licensed appraisal management company
20 operating in this state shall, except in cases of breach of
21 contract or substandard performance of services, make payment to
22 an appraiser for the completion of an appraisal within sixty days
23 after the date on which the appraiser submits or otherwise provides
24 the completed appraisal report to the licensed appraisal management
25 company or its designee.

1 Sec. 43. A licensed appraisal management company shall
2 not alter, modify, or otherwise change a completed appraisal report
3 submitted by an appraiser.

4 Sec. 44. (1) The board may censure a licensed appraisal
5 management company, conditionally or unconditionally suspend or
6 revoke any credential issued under the Real Property Appraiser Act,
7 and levy fines or impose civil penalties not to exceed twenty-five
8 thousand dollars if the board determines that a licensed appraisal
9 management company is attempting to perform, has attempted to
10 perform, or has performed any of the following:

11 (a) Commission of any act in violation of the Real
12 Property Appraiser Act with respect to the credentialing of
13 licensed appraisal management companies;

14 (b) Violation of any rules and regulations adopted and
15 promulgated by the board with respect to the credentialing of
16 licensed appraisal management companies; or

17 (c) Procurement of a credential under the act for any
18 other person by fraud, misrepresentation, or deceit.

19 (2) The board shall conduct disciplinary hearings
20 in accordance with the Administrative Procedure Act and other
21 applicable provisions of the Real Property Appraiser Act.

22 (3) Before the board may censure, suspend or revoke the
23 license of, or levy a fine or civil penalty against a licensed
24 appraisal management company, the board shall notify the company
25 in writing of any charges made under the act at least twenty days

1 prior to the date set for the hearing and shall permit the company
2 an opportunity to be heard in person or by counsel. The notice
3 shall be satisfied by personal service on the controlling person of
4 the company or the agent for service of process in this state or
5 by sending the notice by certified mail, return receipt requested,
6 to the address of the controlling person of the company that is on
7 file with the board.

8 (4) Any hearing pursuant to this section shall be at
9 a time and place prescribed by the board. The hearing officer
10 may make findings of fact and shall deliver such findings to the
11 board, who shall take such disciplinary action as the board deems
12 appropriate.

13 Sec. 45. Section 76-2249, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 76-2249 (1) The board may prepare a printed directory
16 showing the name and place of business of credential holders
17 under the Real Property Appraiser Act. Copies of the directory
18 shall be made available to the public at such reasonable price
19 per copy as may be fixed by the board and shall be provided
20 to federal authorities as required by the Financial Institutions
21 Reform, Recovery, and Enforcement Act of 1989, as the act existed
22 on January 1, ~~2008~~ 2010.

23 (2) The board shall provide without charge to any
24 credential holder under the act a set of rules and regulations
25 adopted and promulgated by the board and any other information

1 which the board deems important in the area of real property
2 appraisal in the State of Nebraska. The information may be printed
3 in a booklet, a pamphlet, or any other form the board determines
4 appropriate. The board may update such material as often as it
5 deems necessary. The board may provide such material to any other
6 person upon request and may charge a fee for the material. The
7 fee shall be reasonable and shall not exceed any reasonable or
8 necessary costs of producing the material for distribution.

9 Sec. 46. Section 77-5004, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 77-5004 (1) Each commissioner shall be a qualified voter
12 and resident of the state and, for each commissioner representing
13 a congressional district, a domiciliary of the district he or she
14 represents.

15 (2) Each commissioner shall devote his or her full time
16 and efforts to the discharge of his or her duties and shall not
17 hold any other office under the laws of this state, any city or
18 county in this state, or the United States Government while serving
19 on the commission. Each commissioner shall possess:

20 (a) Appropriate knowledge of terms commonly used in or
21 related to real property appraisal and of the writing of appraisal
22 reports;

23 (b) Adequate knowledge of depreciation theories, cost
24 estimating, methods of capitalization, and real property appraisal
25 mathematics;

1 (c) An understanding of the principles of land economics,
2 appraisal processes, and problems encountered in the gathering,
3 interpreting, and evaluating of data involved in the valuation of
4 real property, including complex industrial properties and mass
5 appraisal techniques;

6 (d) Knowledge of the law relating to taxation, civil and
7 administrative procedure, due process, and evidence in Nebraska;

8 (e) At least thirty hours of successfully completed
9 class hours in courses of study, approved by the Real Property
10 Appraiser Board, which relate to appraisal and which include the
11 fifteen-hour National Uniform Standards of Professional Appraisal
12 Practice Course. If a commissioner has not received such training
13 prior to his or her appointment, such training shall be completed
14 within one year after appointment; and

15 (f) Such other qualifications and skills as reasonably
16 may be requisite for the effective and reliable performance of the
17 commission's duties.

18 (3) One commissioner shall possess any certification or
19 training required to become a licensed residential real property
20 appraiser as set forth in section 76-2230.

21 (4) Prior to January 1, 2002, the chairperson, and on and
22 after January 1, 2002, at least two commissioners, shall have been
23 engaged in the practice of law in the State of Nebraska for at
24 least five years, which may include prior service as a judge, and
25 shall be currently admitted to practice before the Nebraska Supreme

1 Court.

2 (5) No commissioner or employee of the commission shall
3 hold any position of profit or engage in any occupation or business
4 interfering with or inconsistent with his or her duties as a
5 commissioner or employee. A person is not eligible for appointment
6 and may not hold the office of commissioner or be appointed by the
7 commission to or hold any office or position under the commission
8 if he or she holds any official office or position.

9 (6) (a) Each commissioner who meets the requirements of
10 subsection (4) of this section on or after January 1, 2002, shall
11 annually attend a seminar or class of at least two days' duration
12 that is:

13 (i) Sponsored by a recognized assessment or appraisal
14 organization, in each of these areas: Utility and railroad
15 appraisal; appraisal of complex industrial properties; appraisal
16 of other hard to assess properties; and mass appraisal, residential
17 or agricultural appraisal, or assessment administration; or

18 (ii) Pertaining to management, law, civil or
19 administrative procedure, or other knowledge or skill necessary for
20 performing the duties of the office.

21 (b) Each commissioner who does not meet the requirements
22 of subsection (4) of this section on or after January 1, 2002,
23 shall within two years after his or her appointment attend at least
24 thirty hours of instruction that constitutes training for judges or
25 administrative law judges.

1 (7) The commissioners shall be considered employees of
2 the state for purposes of sections 81-1320 to 81-1328 and 84-1601
3 to 84-1615.

4 (8) The commissioners shall be reimbursed as prescribed
5 in sections 81-1174 to 81-1177 for their actual and necessary
6 expenses in the performance of their official duties pursuant to
7 the Tax Equalization and Review Commission Act.

8 Sec. 47. Original sections 76-2201, 76-2202, 76-2203,
9 76-2206, 76-2211.01, 76-2211.02, 76-2213, 76-2213.01, 76-2216,
10 76-2217.02, 76-2220, 76-2223, 76-2225, 76-2228, 76-2228.01,
11 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233,
12 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2240,
13 76-2241, 76-2249, and 77-5004, Reissue Revised Statutes of
14 Nebraska, are repealed.

15 Sec. 48. The following sections are outright repealed:
16 Sections 76-2205.01 and 76-2207, Reissue Revised Statutes of
17 Nebraska.

18 Sec. 49. Since an emergency exists, this act takes effect
19 when passed and approved according to law.